

JANUARY 12, 1987

STAFF REPORT
ADDENDUM

SEA 80-L-019-1

Background: At the public hearing before the Planning Commission held on January 8, 1987 several questions regarding the request to amend SE 80-L-019 were raised by the Planning Commission and by speakers in opposition to the request. This Staff Report Addendum is intended to address some of those issues.

Discussion: The following issues were raised at the Planning Commission public hearing. Each will be addressed in turn.

- o Lack of proper notice: John D. Donnelly, a general partner in Donnelly, McKnight and Associates, L. P., the firm which owns the adjacent property to the south (99-3 ((1)) 21) noted during his testimony that they had not been properly notified of the hearing. Attached to this addendum as Attachment 1 is a photocopy of a receipt for a certified letter dated December 24, 1986 signed by O. M. Perez, Article Number P278 213 576. A review of the records of the Zoning Evaluation Division showed that the property had been posted during the week of December 15-19, 1986.
- o Status of the fourth storage tank: If this application is not approved the owner of the property, Quarles-Robertson, Inc., would retain the right to construct the four tanks shown on the Special Exception Plat approved pursuant to SE 80-L-019. Upon approval of SEA 80-L-019-1 all construction on the property would be required to be in conformance with the approved SE Plat, which would be the Plat submitted in conjunction with SEA 80-L-019-1. It should be noted that the SE Plat submitted in conjunction with the pending action depicts only three tanks and does reflect all of the existing improvements on this site.
- o Visual impact of the increase in height on adjoining properties: The applicant, Pan American World Airways, is seeking permission to construct two tanks 11 feet higher than the 48 feet approved in conjunction with SE 80-L-019. A review of the records for the petroleum storage tank farms in the area revealed that they all maintain a maximum height limit of 48 feet. However, it should be noted that the maximum height permitted in the

I-6 District is 75 feet. Staff remains of the opinion that the requested increase in height is not inappropriate in this location. The property is surrounded on all sides by land in the I-6 District, and is isolated from nearby residential properties by the RF&P railroad tracks and Interstate 95.

- o Concern about possible fire hazards to adjacent property: The development conditions made a part of the approval of SE 80-L-019 required that the proposed facilities not be installed without the prior approval of the Fire Marshall. This condition is recommended by Staff to be incorporated into the approval of SEA 80-L-019. (See Proposed Development Condition #5 in Appendix 1 of the Staff Report).
- o Concern about appropriateness of the proposed tanks in this location: This area has been used for petroleum storage for over 20 years. A review of the County files revealed that Non-Residential use permits were granted in 1964 for the Exxon and Shell tank farms. It should also be noted that the application property was the Subject of SE 012-78 granted by the Board on May 15, 1978 for a similar use. The Comprehensive Plan identifies this area as appropriate for industrial uses. It should be noted that the properties on either side of Terminal Road are bounded on one side by railroad tracks and the other by Interstate 95. The Plan recommendation for this area is further recognized by the zoning for the area, I-6, Heavy Industrial District, which is the most intense industrial district in the Zoning Ordinance. If the Comprehensive Plan and the zoning for the area were changed to exclude petroleum storage tanks, the existing tanks would continue to operate under the approvals already granted. Given the large number of existing tanks in this area, Staff is of the opinion that two more would not adversely impact the area. Again, it should be noted that if this application were denied Quarles-Robertson could still construct the three additional tanks shown on the approved Special Exception Plat.

Recommendation: The staff recommends that SEA 80-L-019-1 be approved subject to the Proposed Development Conditions contained in Attachment 1 of this report.

Attachments

1. Proposed Development Conditions
2. Return Receipt for notification letter

PROPOSED DEVELOPMENT CONDITIONS

If it is the intent of the Board of Supervisors to approve SEA 80-L-019-1 located at Tax Map 99-3 ((1)) 25 for an increase in height and capacity of previously approved petroleum products storage tanks pursuant to Sect. 5-604 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat and these conditions.
4. None of the proposed facilities shall be installed without the prior approval of the Fairfax county Fire Marshall.
5. All proposed facilities to be installed above ground shall be a dull non-reflective color to the satisfaction of the Director of the Department of Environmental Management.
6. Stormwater management measures and best management practice techniques required at the time of final site plan approval shall be implemented to the satisfaction of the Director of the Department of Environmental Management.
7. The petroleum products stored at this location shall be transported in vehicles which meet all applicable local, state and federal regulations if the product is not transported by pipeline.

8. Landscaping in accordance with the provisions of Article 13 in particular peripheral parking lot landscaping shall be provided along the Terminal Road frontage of the site. Such landscaping is subject to the review and approval of the County Arborist and shall not interfere with the required line-of-site for vehicles leaving the application property.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Under Section 9-015 of the Zoning Ordinance, this Special Exception shall automatically expire, without notice, eighteen (18) months after the approval date of the Special Exception unless the activity authorized has been established, or unless construction has commenced and is diligently pursued, or unless additional time is approved by the Board of Supervisors because of the occurrence of conditions unforeseen at the time of the approval of this Special Exception. A request for additional time shall be justified in writing, and must be filed with the Zoning Administrator prior to the expiration date.

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(CONSULT POSTMASTER FOR FEES) 1. The following service is requested (check one). <input checked="" type="checkbox"/> Show to whom and date delivered 1.67 <input type="checkbox"/> Show to whom, date, and address of delivery 2. <input type="checkbox"/> RESTRICTED DELIVERY (The restricted delivery fee is charged in addition to the return receipt fee.) TOTAL \$ 1.67	
3. ARTICLE ADDRESSED TO: Donnelly McKnight Assoc., Ltd. Partnership 5272 River Road Bethesda, MD 20816	
4. TYPE OF SERVICE: <input type="checkbox"/> REGISTERED <input checked="" type="checkbox"/> CERTIFIED <input type="checkbox"/> EXPRESS MAIL <input type="checkbox"/> INSURED <input type="checkbox"/> COD	ARTICLE NUMBER P278 213 576
I have received the article described above. SIGNATURE <i>[Signature]</i> AUTHORIZED AGENT (Always obtain signature of addressee or agent)	
5. DATE OF DELIVERY JUNE 1982	POSTMARK (Indicate month and year)
6. ADDRESSEE'S ADDRESS (only if requested)	
7. UNABLE TO DELIVER BECAUSE:	
7a. EMPLOYEE'S INITIALS	

PS Form 3811, July 1982

RETURN RECEIPT

SEA 80-L-019-1

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 4100 Chain Bridge Road
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